

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit : 3714
Examiner : Robert J. Utama
Appellants : James T. Dollins
Serial No. : 09/820,589
Filing Date : March 30, 2001
For : INTERACTIVE PROCESS LEARNING AID

Mail Stop APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Dear Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is being filed with regard to the Notice of Appeal filed on 12/18/2008.

The fees required under 35 U.S.C. § 41(a)(6) are dealt with in the accompanying Transmittal and Fee Transmittal forms. Please charge any additional fees that may be due to General Motors Account 07-0960.

No oral hearing is requested.

The brief contains items under the following headings, and in the order set forth below:

- I. Real Party of Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
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The final page of this brief bears the attorney's signature

I. Real Party of Interest

The real party of interest in this application is GM Global Technologies Operations, Inc., the assignee of record, which is a subsidiary of General Motors Corporation, as demonstrated by the assignment recorded on August 3, 2007 at Reel 022092, Frame 0755.

II. Related Appeals and Interferences

There are no related appeals or interferences known to the Appellants, Appellants' legal representative, or Assignee, which will directly or indirectly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-3 are pending in the application. No claims have been allowed or withdrawn from consideration. Accordingly, Appellants are hereby appealing the rejection of claims 1-3 by way of this appeal.

IV. Status of Amendments

There have not been any Amendments filed after the Final Office Action mailed July 21, 2008, which finally rejected claims 1-3. The appending claims are believed to be an accurate listing of the claims under appeal.

V. Summary of Claimed Subject Matter

As described in the specification and illustrated in Figures 1-9 of Appellants' application for patent, the claimed subject matter of the present invention, as recited in the finally rejected independent claims 1-3, generally relates to a learning aid that integrates a business process and related training so that training and use become merged together. As a result, the user/learner then has ongoing access to system and process familiarity for on-the-job training, refreshers, updates, and subject matter expert guidance (see page 1, lines 5-9 of the present application).

Pursuant to 37 C.F.R. §41.37(c)(1)(v), Appellants are required to provide a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters." Therefore, the concise explanation of the subject matter set forth below is mapped to independent claims 1, 2, and 3.

As set forth in independent claim 1, the present invention is directed toward a process learning aid (see page 5, lines 19-26; and element 20 of Figure 1) that includes an integrated tool (see page 5, line 19 to page 6, line 18; and Figure 1 showing integrated elements 14, 16, and 22) integrating a business process (see page 5, lines 19-26; element 14 of Figures 1-2; and element 60 of Figure 7) and related training (see page 8, lines 9-18; and element 18 of Figure 1) from which the business process is supported and tasks (see element 28 in Figure 2) are completed including a model of the business process (see page 8, lines 24-27; element 75 of Figure 9; and page 10, lines 15-17). The business process includes stages (see page 10, line 3; and Figure 7 for listed stages) defined by a series of roles and tasks (see descriptors in boxes 61-64 of Figure 7, further details in Figures 8-9, and page 10, lines 4-30) linked to an application system (see system hardware elements 15, 16, and 27 in Figure 2) being used to carry out the business process and defined by an interface (see page 6, lines 13-16; and page 8, lines 21-27; and elements 15 and 27 in Figure 2), content, and scenarios (see page 10, lines 7-20; and Figures 7-8, elements 59, and 72-74). The business process defines the progression of information by the series of roles and tasks. The series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool (see page 4, lines 8-18; and page 6, lines 2-3), where selected portions of the integrated tool are accessed during use of the application system to carry out the business process (see page 4, lines 8-18). Steps of the business process (see numbered steps in Figure 9; and page 7, lines 13-26) are identified and defined in the model and a scenario provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the tasks linked to the application system

being used to carry out the business process (see page 10, lines 7-19) through at least one graphical, audio or textual materials (see page 7, lines 15-18) via the interface (see page 7, lines 13-23; and scripts (22) in Figure 2).

As set forth in independent claim 2, the present invention is directed toward a process learning aid (see page 5, lines 19-26; and element 20 of Figure 1) that includes an integrated tool (see page 5, line 19 to page 6, line 18; and Figure 1 showing integrated elements 14, 16, and 22) integrating a business process (see page 5, lines 19-26; element 14 of Figures 1-2; and element 60 in Figure 7) and related training (see page 8, lines 9-18; and element 18 of Figure 1) from which the business process is supported and tasks (see page 8, lines 21-27; and element 28 in Figure 2) are completed including a model of the business process (see page 8, lines 24-27; element 75 of Figure 9; and page 10, lines 15-17). The business process includes stages (see page 10, line 3; and Figure 7 for listed stages) defined by a series of roles and tasks (see descriptors in boxes 61-64 of Figure 7; further details in Figures 8-9; and page 10, lines 4-30) linked to an application system (see system hardware elements 15, 16, and 27 in Figure 2) being used to carry out the business process and defined by an interface (see page 6, lines 13-16; and page 8, lines 21-27; and elements 15 and 27 in Figure 2), content, and scenarios (see page 10, lines 7-20; and Figures 7-8, elements 59, and 72-74). The business process defines the progression of information by the series of roles and tasks (see descriptors in boxes 61-64 of Figure 7; further details in Figures 8-9; and page 10, lines 4-30). The series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool (see page 4, lines 8-18; and page 6, lines 2-3). Steps of the business process (see numbered steps in Figure 9; and page 7, lines 13-

26) are identified and defined in the model and a scenario (see “Production Work Order Scenario” in Figure 8) related to a process function (see page 9, lines 7-16; and element 33 of Figure 4) provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the process functions tasks (see page 10, lines 1-8; and the descriptors in blocks 61-64 of Figure 7) linked to the application system (see system hardware elements 15, 16, and 27 in Figure 2) being used to carry out the business process through at least one graphical, audio or textual materials (see page 7, lines 15-18) via the interface (see page 6, lines 13-16; and page 8, lines 21-27; and elements 15 and 27 in Figure 2). The scenario, including a task scenario (see page 10, lines 7-8; and the “Enter Task Scenario block of Figure 3, with the whole of Figure 8 representing a task scenario) and an action scenario (see page 10, line 10-11; and elements 72-74 in Figure 8), includes a cross functional scenario (see page 24-28; and Distribution List block 43 of Figure 3) from the process function to a supplementary function (see page 9, lines 10-15; and elements 38-47 in Figure 3), the supplementary function supporting the process function and being outside the process function tasks.

As set forth in independent claim 3, the present invention is directed toward a process learning aid (see page 5, lines 19-26; and element 20 of Figure 1) that includes an integrated tool (see page 5, line 19 to page 6, line 18; and Figure 1 showing integrated elements 14, 16, and 22) integrating a business process (see page 5, lines 19-26; element 14 of Figures 1-2; and element 60 of Figure 7) and related training (see page 8, lines 9-18; and element 18 of Figure 1) from which the business process is supported and tasks (see page 8, lines 21-27; and element 28 in Figure 2) are completed including a model of the business process (see page 8, lines 24-27; element 75 of Figure 9; and page 10, lines

15-17). The business process includes stages (see page 10, line 3; and Figure 7 for listed stages) defined by a series of roles and tasks (see descriptors in boxes 61-64 of Figure 7, further details in Figures 8-9, and page 10, lines 4-30) linked to an application system (see system hardware elements 15, 16, and 27 in Figure 2) being used to carry out the business process. The series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance (see page 4, lines 8-18) from the integrated tool to guide a learner through a task (see element 28 in Figure 2; page 4, lines 8-18; and page 6, lines 2-3) linked to the application system being used to carry out the business process to achieve a result (see element 29 in Figure 2; page 6, lines 2-3; and page 8, lines 21-27) required by the business process. Selected portions of the integrated tool are accessed during use of the application system to carry out the business process. Steps of the business process (see numbered steps in Figure 9; and page 7, lines 13-26) are identified and defined in the model which provides the option of selecting process function categories (see page 9, lines 7-16; and elements 33-37 in Figure 4) or related supplementary function categories (see page 9, lines 7-16; and elements 38-47 in Figure 4). The process function categories each include a series of stages (see page 10, lines 1-3; and labels in Figure 7), the stage's roles and tasks (see role and task items in blocks 61-64 in Figure 7) linked to the application system being used to carry out the business process defined by the business process and explained through task scenarios (see page 10, lines 6-7; and, for example, the "Production work Order Scenario shown in Figure 8) supported by the application system. A task scenario (see page 10, lines 6-7; and, for example, the "Production work Order Scenario shown in Figure 8) supported by the application system. including an action scenario (see page 10, lines 9-

13; and blocks 72-74 in Figure 8) that demonstrates an action type (see page 10, lines 9-13; and blocks 67-70 in Figure 8) required by the business process, the action scenario providing guidance through graphical, audio, and textual materials (see page 7, lines 15-18) via an interface (see page 6, lines 13-16; and page 8, lines 21-27; and elements 15 and 27 in Figure 2).

VI. Grounds of Rejection to be Reviewed on Appeal

Whether claims 1, 2, and 3 are unpatentable under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,020,886 to Jacober et al.

VII. Argument

Three groups of claims defined by independent claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,020,886 to Jacober et al., and are presented below for consideration on appeal.

A. Reference - U.S. Patent No. 6,020,886 to Jacober et al.

The Jacober et al. patent discloses a help demonstration player that accepts a set of commands in the form of script input and automatically generates simulated keystrokes and mouse events. The simulated keystrokes and mouse events are provided to an application program, which then operates as if the user had generated the keystrokes and mouse events. The sequence of keystrokes and mouse events directs the application program software to perform a task one step at a time. During the playing of the

explanatory sequence, user control over the keyboard and mouse is disabled to prevent the user from interfering with the demonstration. Since the tasks starts with the user's customized screen and detects and responds to the state of the user's desktop through the demonstration, the resulting animated display is tailored to the user's actual display, presenting much more meaningful and less confusion instructions to the user regarding use of the application program. An implementation of the help demonstration player is described for a spreadsheet application program, where a sequences of automated key strokes and mouse events are used to show a user how to create a cell comment in the spreadsheet (see Figures 7-14 and the related description at col. 11, line 38 to col. 12, line 25).

B. Rejection Under 35 U.S.C. § 102(b) Over U.S. Patent No. 6,020,886

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), cert. denied, 484 U.S. 827 (1987). A valid rejection under 35 U.S.C. §102 requires that a reference teach every aspect of the claimed invention, arranged as in the claims, either explicitly or impliedly, in a single prior art reference (MPEP § 2131). More particularly, the CAFC has recently held that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102

Net Moneyin, Inc. v. Versign, Inc., ____ F.2d ____ (Fed. Cir. Oct. 20, 2008). Words in claims “are generally given their ordinary and customary meaning” to a person of ordinary skill in the art at the time of the invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 ((Fed. Cir. 2005) (citing *Vitronics Corp. v. Conceptronics, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996))). How a person of ordinary skill in the art understands a claim term “is based on the well-settled understanding that inventors are typical persons skilled in the field of the invention and that patents are addressed to and intended to be read by others of skill in the pertinent art.” *Id.* at 1313. When interpreting a claim, unless the inventor has set forth a definition for a term, that term will be given its ordinary and customary meaning as understood by one skilled in the pertinent art. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Courts may also review extrinsic evidence, always to assist them in comprehending the technology in accordance with the understanding of skilled artisans and as necessary for actual claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1309, 51 USPQ2d 1161, 1168 (Fed. Cir. 1999).

Claim 1

Claim 1 recites, in part, “an integrating tool integrating a business process and related training from which the business process is supported and task are completed ...” In the Final Office Action dated July 21, 2008, the Examiner points to col. 3, lines 4-20 of Jacober et al. as teaching these features of claim 1. Additionally, Examiner stated that “[h]ence, the examiner takes the position that the Jacober reference set forth explicit

teaching of an integration between training tool (demonstration unit) and business process (spreadsheet).” The Examiner continues with “[i]n this case the business process supported is the business process of using the spreadsheet to execute the role and tasks of the where[a]s function (see col. 10:20-35). It is well known that spreadsheet application program is used is different business processes (e.g.: accounting process).”

The Appellants respectfully disagree with the Examiner. Those skilled in the art would not recognize a spreadsheet application program, and help related thereto, as equating to a business process and related training. A definition for business process is provided by *Wikipedia* as:

“A **business process** or **business method** is a collection of related, structured activities or tasks that produce a specific service or product (serve a particular goal) for a particular customer or customers.

There are three types of business processes:

1. Management processes, the processes that govern the operation of a system. Typical management processes include "Corporate Governance" and "Strategic Management".

2. Operational processes, processes that constitute the core business and create the primary value stream. Typical operational processes are Purchasing, Manufacturing, Marketing, and Sales.

3. Supporting processes, which support the core processes. Examples include Accounting, Recruitment, Technical support.” (*Wikipedia*, http://en.wikipedia.org/wiki/business_process (last visited Feb. 8, 2009).

Additionally, *Wikipedia* defines a spread sheet application as:

“A spreadsheet is a computer application that simulates a paper worksheet. It displays multiple cells that together make up a grid consisting of rows and columns, each cell containing either alphanumeric text or numeric values. A spreadsheet cell may alternatively contain a formula that defines how the contents of that cell is to be calculated from the contents of any other cell (or combination of cells) each time any cell is updated. Spreadsheets are frequently used for financial information

because of their ability to re-calculate the entire sheet automatically after a change to a single cell is made.” (*Wikipedia*, <http://en.wikipedia.org/wiki/spreadsheet> (last visited Feb. 8, 2009)).

In examining a patent application, the Examiner is entitled to give a claim its broadest reasonable construction, but the Appellants contend that terms in a claim can not be given a meaning contrary to their ordinary and customary meaning. In the present application, the Examiner is equating a spreadsheet software application (i.e. a simulated paper worksheet) to a business process, which is inconsistent with the ordinary and customary meaning of the term “business process,” (see the listed exemplary management, operational, and support processes listed in the above *Wikipedia* definition), and as used in the specification of the present application (see page 5, lines 21-25 discussing the “work order process” as an exemplary business process). Although a software application program could be useful in performing certain tasks in a business process to collect and present data, it certainly does not equate to the “collection of related, structured activities or tasks that produce a specific service or product for a particular customer or customers” defining a business process by the above *Wikipedia* definition, or the exemplary “work order process” described in the specification of the present invention. Accordingly, the Appellants submit that the Examiner has incorrectly characterized the Jacober et al. reference as teaching a business process and related training. As these elements are not present in the Jacober et al. reference, claim 1 of the present invention can not be anticipated by Jacober et al.

Additionally, claim 1 recites, in part, “an integrating tool ... including a model of the business process ... wherein steps of the business process are identified and defined in the model ...” In the Final Office Action dated July 21, 2008, the Examiner points to Figure 7 and col. 11, lines 35-45 in the Jacober et al. reference as teaching these features of claim 1. The Appellants respectfully disagree. Figure 7, and the related discussion at col. 11, lines 35-45 in Jacober et al. describes a pop-up help menu for providing help with steps that must be performed by a user of the spreadsheet software application to create a cell comment that includes a “Show me a Demo” button for initiating the help demonstration player of Jacober et al. Accordingly, Jacober et al. does not provide a model of the business process ... wherein steps of the business process are identified and defined in the model as set forth in claim 1 and shown in Figure 7 of the present application. Again, as the Jacober et al. reference fails to teach these required elements, Jacober et al. can not anticipate claim 1.

Appellants also submit that other elements of claim 1, such as the tasks, roles, and scenarios that are tied to the business process are lacking in the Jacober et al. reference, due to not teaching the business process as argued above, which thereby prevents Jacober et al. from anticipating claim 1.

Additionally, figure 6 of the Jacober et al. reference includes a flowchart illustrating the steps involved in generating an animated demonstration, which includes loading a sample data file that is used to prevent the demonstration player from corrupting the user’s actual data (col. 7, lines 54-63). In a previous response to an office

action, the Appellants have argued that Jacober et al. fails to teach “... integrating a business process and related training from which the business process is supported and tasks are completed ...” as set forth in claim 1, because training aspect of Jacober et al. is clearly concerned with merely creating a simulated environment wherein it is not possible to actually complete tasks during the training. “The demonstration player creates sample data so that the user’s actual data is not corrupted during the playing of the explanatory sequence and user control over the keyboard and mouse is disabled to prevent the user from interfering with the demonstration [i.e., the training]” (see the Abstract, lines 13-17 in Jacober et al.). Thus, the training and completion of tasks associated with filling out the spreadsheet in Jacober et al. are not integrated, but are separated functions. As stated in the Final Office action dated July 21, 2008:

“The examiner interprets the definition of “integrate” as bringing different parts into a larger unit (see Merriam Webster dictionary. Hence, the examiner takes the position that the Jacober reference set forth explicit teaching of an integration between training tool (demonstration unit) and business process (spreadsheet).”

The Appellants respectfully disagree. As recited in claim 1, the present invention integrates the functions of completing tasks and training related to the business process so that tasks are completed during the training, not just the “bringing different parts [of the tool or system] into a larger unit,” as suggested by the Examiner. Clearly, all of the limitations of claim 1 are not only lacking in Jacober et al., but also fail to be arranged or combined in the same way as recited in the claim. Accordingly, the Applicants respectfully submit that Jacober et al. fails to teach integrating a business process and related training from which the business process is supported and tasks are completed as

set forth in claim 1 (also see the specification at page 1, lines 5-9; and page 4, lines 8-18). Therefore, the Jacober et al. reference can not anticipate claim 1.

For all the above reasons, the Appellants respectfully request reversal of the § 102(b) rejection as to claim 1.

Claim 2

Claim 2 recites all of the elements discussed above with regard to claim 1, and accordingly, the Appellants submit that because Jacober et al. does not teach these elements, Jacober et al. can not anticipate claim 2. The Appellants respectfully request reversal of the § 102(b) rejection as to claim 2.

Claim 3

Claim 3 recites all of the elements discussed above with regard to claim 1, and accordingly, the Appellants submit that because Jacober et al. does not teach these elements, Jacober et al. can not anticipate claim 3. The Appellants respectfully request reversal of the § 102(b) rejection as to claim 3.

VIII. Conclusion

For the reasons set forth above, and as apparent from examining the invention defined by claims 1-3, when properly considering the cited Jacober et al. reference, these claims have not been anticipated, and define patentable subject matter. Appellants respectfully request that the Examiner's rejections of claims 1-3 under 35 U.S.C. § 102(a) be reversed, and that the application be allowed to pass to issuance.

Respectfully submitted,

02-17-09
Date

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Claims Appendix

1. (Previously Presented) A process learning aid comprising:

an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process and defined by an interface, content and scenarios wherein the business process defines the progression of information by the series of roles and tasks; wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process wherein steps of the business process are identified and defined in the model and wherein a scenario provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the tasks linked to the application system being used to carry out the business process through at least one of graphical, audio or textual materials via the interface.

2. (Previously Presented) A process learning aid comprising:

an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process and defined by an interface, content and scenarios wherein the business process defines the progression of information by the series of roles and tasks linked to an application system being used to carry out the business process; wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process wherein steps of the business process are identified and defined in the model and wherein a scenario related to a process function provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the process function tasks linked to the application system being used to carry out the business process through at least one of graphical, audio or textual materials via the interface; the scenario including a task scenario and an action scenario wherein the action scenario includes a cross functional scenario from the process function to a supplementary function, the supplementary function supporting the process function and being outside the process function tasks.

3. (Previously Presented) A process learning aid comprising:

an integrated tool integrating a business process and related training from which the business process is supported and tasks are completed including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process wherein the business process defines the progression of information by the series of roles and tasks linked to the application system being used to carry out the business process;

wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool to guide a learner through a task linked to the application system being used to carry out the business process to achieve a result required by the business process; wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process wherein steps of the business process are identified and defined in the model which provides the option of selecting process function categories or related supplementary function categories wherein the process function categories each include a series of stages, the stage's roles and tasks linked to the application system being used to carry out the business process defined by the business process and explained through task scenarios supported by the application system, a task scenario including an action scenario that demonstrates an action type required by the business process, the action scenario providing guidance through graphical, audio and textual materials via an interface.

Evidence Appendix

None

Related Proceedings Appendix

None